

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FRANK MEDLEY,

Plaintiff, **DECLARATION OF  
SERVICE OF SUMMONS  
AND COMPLAINT ON  
DEFENDANT KELLY**

-against-

THE CITY OF NEW YORK; et al,

**08 CV 4511**

Defendants.

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I, MICHAEL PETER KUSHNER, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury as follows:

1. I am not a party to this action, I am over 18 years of age, and I reside in the State of New York. On May 21, 2008, at approximately 11:10 a.m., I served the summons, complaint, the assigned Judge's Individual Rules, USDC/ SDNY Instructions for Filing an Electronic Case or Appeal, USDC/SDNY Procedures for Electronic Case Filing, and USDC/ SDNY Guidelines for Electronic Case Filing in this matter on defendant COMMISSIONER RAYMOND W. KELLY by delivering a copy of same to DOCKETING CLERK AMANDA GONZALES, a person of suitable age and discretion at defendant's place of business, within the state, at LAW DEPARTMENT OF THE CITY OF NEW YORK, 100 Church Street, New York, New York. This person is a Hispanic female, approximately 30 years old, and approximately 5' 6" tall.

2. Thereafter, on May 21, 2008, I mailed a copy of the summons and complaint post paid by first class mail properly addressed to the defendant at the aforementioned address in an envelope marked personal and confidential and not indicating that the communication was from an attorney or concerned an action against the defendant and deposited said envelope in a post office official depository under exclusive care of the United States Postal Service.

Dated: New York, New York  
May 21, 2008

/s/ Michael P. Kushner, Esq.  
MICHAEL PETER KUSHNER (MK 6117)  
350 Fifth Avenue, 68<sup>th</sup> Floor  
New York, New York 10118